

### **REMARKS**

Favorable consideration and allowance of the present application is respectfully requested.

As an initial matter, Applicant submitted several references for the Examiner's consideration in an Information Disclosure Statement (IDS) dated February 23, 2004. Pursuant to the Examiner's request, enclosed herewith as Appendix A is a copy of the previously submitted PTO 1449 form and associated transmittal letter.

Claims 1-5 and 10-14, including independent claim 1, are currently pending in the present application. Independent claim 1, for instance, is directed to a method for treating a wound by removing a protease from the site of the wound. The method comprises determining the protease that will be removed from the wound site. A protein-containing fibrous component is selected for removing the protease from the wound site. The protein-containing fibrous material consists essentially of protein fibers. A wound dressing is formed from the protein-containing fibrous component. The wound dressing is applied to the wound site so that the protein-containing fibrous component is in contact with the wound site. At least a portion of the protease found at the wound site is allowed to be attracted to and entrapped by the protein-containing fibrous component. The wound dressing is removed from the wound site so that at least a portion of the protease is removed from the wound site.

In the Office Action, independent claim 1 was initially rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,447,505 to Valentine, et al. Valentine, et al. is directed to a cellular sponge dressing made of polyvinyl acetal having a certain

pore size, absorptive capacity, and retained holding capacity. (Col. 5, ll. 49-55). In discussing conventional wound dressings, Valentine, et al. states the following:

Throughout history, many diverse materials of various origins have been used to treat skin wounds. By 1923, the British Pharmaceutical Codex, included 97 surgical material products which included products generally listed as medicated and unmedicated cotton wools, gauzes, tow, and lints; gauze and cotton tissues, bandages, jaconet, oiled silk, and emplastrums. (Col. 1, ll. 9-15) (Emphasis Added).

The Office Action states that the highlighted reference to "cotton wools" in Valentine, et al. clearly teaches the well-known use of wool as a surgical dressing. However, as set forth in the definition provided herewith as Appendix B, the term "cotton wool" refers to cotton in its raw or natural state. This fibrous material does not consist essentially of protein fibers as required by independent claim 1. Thus, Applicant respectfully submits that a *prima facie* case of obviousness has simply not been established.

In any event, even if Valentine, et al. is somehow construed to teach the use of a protein-containing fibrous component consisting essentially of protein fibers as a wound dressing, it still fails to disclose or suggest other aspects of independent claim 1. For example, Valentine, et al. does not disclose or suggest the removal of a protease from a wound site. Nevertheless, in the previous Office Action, it was alleged that Valentine, et al. "intrinsically performed the claimed method" despite the fact it did not explicitly teach each limitation of the claims. That is, it was stated that protease removal would have been an intrinsic consequence of the removal of the bandage. Applicant emphasizes, however, that independent claim 1 does not *just* require applying a protein fiber wound

dressings to a wound, followed by its removal. Independent claim 1 also requires, among other things, the steps of (a) determining the protease that will be removed from the wound site and (b) selecting a protein-containing fibrous component for removing the protease from the wound site. The selection of the fibrous component specifically hinges on the protease of interest. For example, the present inventors have discovered that silk fibers may be particularly effective in removing elastases from the wound, and may in fact be more desirable than other types of protein fibers. (Appl. pp. 6-7). Accordingly, for at least the reasons set forth above, Applicant respectfully submits that independent claim 1 patentably defines over Valentine, et al.

Besides the above-mentioned rejection, independent claim 1 was also rejected in the Office Action under 35 U.S.C. § 103(a) as being obvious in view of the English abstract of WO 97/07273 (hereinafter "Ninagawa"). Although Applicant does not possess an English translation of the entire PCT publication, Ninagawa appears to suffer from some of the same deficiencies as Valentine, et al. For example, Ninagawa describes a nonwoven fabric formed from silk fibers. Because the fabric has satisfactory liquid absorbency and is soft so as not to damage internal tissues, it is said to be suitable for medical supplies (e.g., surgical gauzes). However, as with Valentine, et al., the abstract of Ninagawa does not disclose the steps of (a) determining the protease that will be removed from the wound site and (b) selecting a protein-containing fibrous component for removing the protease from the wound site, which are expressly required by claim 1. Thus, for at least these reasons, Applicants respectfully submit that independent claim 1 patentably defines over Ninagawa.

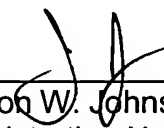
Applicants also respectfully submit that, at least for the reasons indicated above relating to the corresponding independent claim 1, dependent claims 2-5 and 10-14 patentably define over the references cited. However, Applicants also note that the patentability of such dependent claims does not necessarily hinge on the patentability of independent claim 1. In particular, some or all of these claims may possess features that are independently patentable, regardless of the patentability of the independent claim.

Thus, for at least the reasons set forth above, it is believed that the present application is in complete condition for allowance and favorable action, therefore, is respectfully requested. Examiner Leith is invited and encouraged to telephone the undersigned, however, should any issues remain after consideration of this response.

Please charge any additional fees required by this Amendment to Deposit Account No. 04-1403.

Respectfully submitted,

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